

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 19, 2008

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD AND WELFARE

Senate Bill 3050

With this topic on the agenda, Mr. Ernest Alter recommended that the Town Council not override it.

Holliston Sand and Gravel

Mr. Alter questioned where the investigation into Holliston Sand and Gravel stood.

Baseball Field at Providence Street and Route 146A

Mr. Alter suggested working with the City of Woonsocket to keep a baseball field at this site rather than a Rite Aid store.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr.

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Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

APPROVAL OF MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the minutes of January 22 and February 4, 2008.

PAYMENT OF BILLS

Monthly Bills

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$1,651,627.94; Sewer - \$11,599.53; and Water - \$3,056.40 for a total of \$1,666,283.87.

Gilbane Building Co.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of Requisition #18 Job #4178 in the amount of \$1,858,788.23 and Requisition #5S Job #4178010 in the amount of \$40,766.77 for a total of \$1,899,555.00 based upon the recommendations of the School Building Committee and the Finance Director.

OVERRIDE OF SENATE BILL 3050

School Committee Chairman Robert Lafleur came before the Council to request that the School Committee be allowed to move forward with an application for an S3050 exception.

Mr. Lovett asked what the estimated extra operational costs were at the time the school project was presented to the public.

Mr. Lovett responded that it was between \$454,000 and \$474,000 with the caveat that it did not include the developing of the comprehensive middle school academic offering or the fuel and utility expenses.

Mr. Lovett commented that the School Committee request for \$347,141 in addition to the \$474,000 (totaling \$821,141) is a 73 percent increase.

In Superintendent Lindberg's assessment of the costs, he found that certified staff increased by \$83,000, a result of moving people from existing budgets within the school department to the middle school and then creating the middle school curriculum. Also non-certified staff increased by \$106,598, health care/retirement/salary increased by \$79,897 and middle school program and curriculum changes increased by \$73,405.

Mr. Lovett had heard there was a school department surplus of approximately \$225,000 and that additional money was coming from the Northern Rhode Island Collaborative for roughly \$274,000. He asked how those monies would be used.

Mr. Lafleur responded that, as with the municipal surplus, this is a fund balance recommended by the auditors to be used for unexpected emergency situations.

Mr. Lindberg stated he has attended every meeting of the Northern Rhode Island Collaborative and there has been no mention of any monetary reimbursement.

Mr. Lindberg continued that one of the most significant differences between the \$474,000 and \$821,141 is staffing. The School Committee had anticipated a net of 2.3 full time equivalents (FTE). In the next fiscal year they had anticipated taking a staff reduction of 1.6 or 1.4. The School Committee took that reduction and then some last year. Because of the S3050 restrictions, they have already taken the reductions that they had hoped to take next year. Mr. Lindberg added that they did underestimate the number of custodians necessary by one.

Mr. Leclerc wondered whether those who did the estimates had a good handle on it and whether the \$821,141 is even a viable number now. He feels the town is in a crisis situation. There are elderly homeowners worried whether or not they will be able to keep their homes. More creative options need to be considered such as closing Halliwell School and transferring teachers and personnel or eliminating block

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scheduling. Mr. Leclerc did not believe the cost of fuel and electricity had increased to such an extent. He also had been told that the town was investigating forming or joining with a health care group that

may avoid an increase in health care costs.

Mr. Zwolenski concurred with Mr. Leclerc. He felt that no one ever really looked at the operating numbers or had control over them. The Council was never involved in negotiating anything or in forecasting operating expenses.

In a letter to the Council, Town Administrator Lowe recommended an override of \$500,000. He noted the bond was approved prior to enactment of S3050. Anything more than the \$500,000 would be against his commitment to the taxpayers to stay within the budget of the thirty million dollar project. Mr. Lowe also provided an analysis of the tax impact on a \$300,000 home. If no override application is authorized, the homeowner will see a tax increase of \$354.00. If an application for a \$500,000 override is approved, the homeowner will see a tax increase of \$461.00. If an application for the \$821,141 is approved, the homeowner will see a tax increase of \$530.00. This is strictly for the school proposal and does not include any municipal tax increase.

Mr. Lindberg stated that the process is to apply to the Town Council first for the override. The application then goes to the Auditor General for review. That office may certify some of it, all of it or none of it. The matter then returns to the Council who can also implement some of it or all of it.

There were five or six residents who spoke against an override, most citing the increase to their taxes as their reason. Three others spoke in favor of an override.

Former School Committee Chairman Gary Ezovski explained that, as the Chairman, he requested the new Superintendent at the time to give a forecast of the expenses for the middle school. He noted there are statewide issues regarding education reform that need to be addressed. Mr. Ezovski asked the Council to trust Mr. Lindberg's numbers.

Mrs. Thibault commented that S3050 was enacted to provide some relief to taxpayers. When it was first passed, the Council agreed to give the school department the maximum amount because it was known the bill would have an impact because of the new school. The School Building Committee has done a wonderful job in seeing that the middle school is progressing on schedule but it is more money than what was told to the taxpayers.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve an override of the S3050 bill in the amount of \$1.65 million for the middle school project or \$30 million bond regarding the middle school project and to send the paperwork to the Office of Municipal Affairs and the Auditor General's Office.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve an override of S3050 for the operational costs of the \$30 million middle school at a figure of \$474,000 with that paperwork to be sent to the Auditor General's Office.

TRANSFER OF CAPITAL FUNDS FROM ANIMAL CONTROL TO INSPECTIONS

Twelve thousand dollars was approved in last year's capital budget for a vehicle for the animal control officer. While trying to locate a used vehicle with low mileage, Mr. Lowe could not find one for less than \$14,000. In the meantime he learned that next year the Building Inspector would once again be requesting a vehicle for his department. At last month's meeting, the Council had recommended staying with the approved budget and possibly refurbishing an old police vehicle for the Building Inspector. The school department recently purchased a new truck for approximately \$25,000. They had requested \$30,000, thus there is about a \$5,000 surplus there. If the Council agrees, the school department had no problem transferring that surplus to the town administration.

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MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on a roll call vote to transfer \$5,630.00 from the surplus

in the school department capital budget that had been allocated for a new vehicle and add it to the \$12,000.00 in this year's capital budget for animal control to go out to bid for both an old and a new vehicle.

REQUEST FOR PROPOSAL RE: CHERRY BROOK

Town Planner Michael Phillips provided a draft of a request for proposal for the flood study of Cherry Brook. He has been talking to some engineering firms and is hopeful that the study may be able to be done for less than the \$60,000 originally expected. Mr. Phillips will return with the finalized version of the request for proposal.

When Mr. Lovett questioned where the funding would be coming from, Mr. Phillips noted that the town surplus had been mentioned at the last meeting or there could be the possibility of creating a watershed district in Cherry Brook whereby expenses would be paid by the residents in that area.

1ST READING ORDINANCE AMENDMENT RE: ESTABLISHING A MUNICIPAL GOVERNMENT SUBSIDY PROGRAM FOR LOW AND MODERATE INCOME HOUSING

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the ordinance as the first reading.

The second reading is scheduled for March 3, 2008.

**REIMBURSEMENT OF LEGAL FEES RE: NARRAGANSETT
IMPROVEMENT CO. COMPLAINT TO ETHICS COMMISSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted
unanimously on an aye vote to table this discussion to the March 3rd
meeting.**

MIDDLE SCHOOL PROJECT

Changes to Design/Builder's Contingency

Hand Excavation of a Footing for the Electrical "Blast" Wall

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted
unanimously on a roll call vote to approve \$152.00 for the hand
excavation of a footing for the electrical "blast" wall; \$500.00 for the
excavation, backfill and compaction of the vent line for the oil tank;
\$1,239.00 to furnish and install sonotubes and sleeves for the goal
post on the football field; and \$382.00 for the additional curb stop and
water line to the Advantex control shed based upon the
recommendations of the School Building Committee and Finance
Director Jill Gemma.**

Reduction in Retainage for Marguerite Concrete

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted
unanimously on a roll call vote to reduce the retainage from ten
percent to five percent based upon the recommendations of the
School Building Committee and the Finance Director.**

Changes to Owner's Contingency

Removal of Silty Material Underlying the Running Track

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve removal of silty material underlying the running track in the amount of \$5,907.00 based upon the recommendations of the School Building Committee and the Finance Director.

Phase I of Study for Reimbursement of New Field

Mr. Paul Vadenais of the School Building Committee explained that the Department of Education has stated the new field under construction does not have any guaranteed reimbursement from the state. The project may possibly be eligible to receive between \$380,000 to \$500,000 if it meets new guidelines.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to move forward with having RGB Company prepare a Phase 1 plan at a cost of \$17,500.00, with the funds to come from the Owner's Contingency, based upon the recommendations of the School Building Committee and the Finance Director. This would allow the town to become eligible, if it meets new guidelines, to possibly secure housing aid in the amount of \$380,000 to \$500,000.

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Mr. Vadenais noted that the new field project has still not been fully funded, other than the \$1.1 million. The project is slated to be completed by the middle of May and a bill will be coming due on it.

Investigation of Well Located at 1520 Providence Pike

In the fall of 2007 a resident of 1520 Providence Pike claimed her well went dry as a result of the middle school well. RGB's geotechnical engineer issued a report stating there was no connection with the middle school well. The owner had a shallow, dug well and the groundwater level is low due to the dry weather during the past few months. Additionally, the middle school well has not been in use since April 2007. The School Building Committee does not feel the cost of this study should come from the bond money.

There was some discussion as to who should pay for this study.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 (Mr. Keeley voted no) on a roll call vote that the \$1,662.20 fee for well testing at 1520 Providence Pike be paid out of the Owner's Contingency.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to authorize the Town Administrator to sign Change Orders #3A, #5A, #6A and #10, Budget Expenditure Authorizations #4 and #5, and the agreement with RGB for the Phase I study in the amount of \$17,500.00.

RESIGNATION FROM INDUSTRIAL DEVELOPMENT COMMISSION – E. SIMONE

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept Eugene Simone's resignation and to send him a letter of thanks.

INDUSTRIAL DEVELOPMENT COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of January 14, 2008.

PERSONNEL BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of December 4, 2007.

SEWER COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of December 12, 2007.

ZONING BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of September 18 and December 4, 2007 and January 15, 2008.

JUVENILE HEARING BOARD ANNUAL REPORT

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the 2007 Annual Report of the Juvenile Hearing Board.

ENTERTAINMENT LICENSE – THE HOMESTEAD GROUP

MOTION by Mr. Lovett and seconded by Mr. Keeley to approve an entertainment license and to waive the fee.

Mr. Lowe noted that the application had been received on May 14, 2007. He thought it might be prudent to have The Homestead Group reapply with current signatures.

Mr. Lovett withdrew his motion and Mr. Keeley withdrew his second.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to send a letter to The Homestead Group to reapply for the entertainment and dancing licenses.

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HOLIDAY SALES LICENSE – BRANCH VILLAGE POOL & SPA NEEDS

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted

unanimously on a roll call vote to approve a Holiday Sales license for Branch Village Pool & Spa Needs/M. Pestana/MLP Enterprises located at 643 Great Road.

LIZ DEVELOPMENT

Mr. Phillips stated the engineering firm did review the project. Within the next couple of weeks the Planning Board should be getting a plan as to how they are going to proceed with the roads.

1ST READING ORDINANCE AMENDMENT RE: OUTDOOR WOOD BURNING FURNACES

Mr. Leclerc read the ordinance in its entirety.

When questioned, Mr. Hadden commented that if someone wished to replace an existing furnace, it would be a violation of the ordinance. However, if someone wanted to retrofit an existing furnace to produce better emissions, that would be allowed.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to accept this ordinance as the first reading.

The second reading is scheduled for March 3, 2008.

RESOLUTION RE: ELECTION REFORM

MOTION by Mr. Keeley and seconded by Mr. Zwolenski to accept the

following resolution: “WHEREAS, The system of private campaign financing places a significant disconnect between voters and candidates, by forcing candidates to spend more time fundraising than with voters, and WHEREAS, This disconnect has led to a steady decline in voter turnout across Rhode Island, and WHEREAS, The current system of partial public financing of elections has proved to be insufficient for providing meaningful support to candidates for public office who lack the financial means to run a viable campaign, and WHEREAS, Dependence on private donations to political campaigns may have an adverse influence on the policy-making process, and WHEREAS, In a privately financed system of elections, large donations to political campaigns come with the expectation of reciprocation, which can confuse legislators’ decisions. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD, RHODE ISLAND AS FOLLOWS:

Section 1: The Town Council of the Town of North Smithfield hereby voices its support of the proposed legislation before the General Assembly, the Clean Elections Act, which would provide a voluntary system for full public financing of elections. Section 2: Copies of this resolution may be referred to or reproduced for the literature of the Clean Elections coalition of Rhode Island. Section 3: This resolution shall take effect upon its passage.”

Mr. Lowe felt this resolution took away an individual’s ability to raise campaign funds from those who may be supporters.

Mr. Hadden was concerned that the resolution may not actually reflect what the Council discussed at the meeting last month. The resolution talks about legislation but no draft of the legislation is attached.

Mr. Keeley withdrew his motion and Mr. Zwolenski withdrew his second.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to table the matter until further information is received.

BUSINESS REGISTRATION FORMS

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this item up on the agenda.

Mr. Stephen Brassard of Steve Brassard Construction Company expressed his displeasure at having to pay \$25.00 for a Business Registration. He felt he has generated income for North Smithfield by paying for building, electrical and plumbing permits. He has increased the value of his home and other homes in town, thus raising the amount of property taxes collected. Mr. Brassard does not believe the tangible tax that will be imposed upon him is a fair one considering the nature of his business.

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Mr. Lowe explained that this registration was an attempt to get a better handle on the collection of tangible taxes for all businesses.

Although Mr. Brassard felt he generated income for the town, Mr. Hadden pointed out that he was not the only business to do so and it would be an impossible thing to quantify.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

There was no appointment.

APPOINTMENT TO SEWER COMMISSION

There was no appointment.

COMMUNICATIONS

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to place on file the following: A.) Animal Control Monthly Report for December 2007; B.) Resolution Re: Long-term Health Care for Veterans from the Town of Exeter; C.) Resolution Re: Support for Voter Approval for Expansion of Operating Hours for Video Lottery Facility from the City of Newport; D.) Request for Support Re: Acts Relating to Costs for Excavation Near Underground Utility Facilities from the Town of Burrillville; E.) Request for Support Re: Acts Relating to Use of Mobile Telephones by Motor Vehicle Operators from the Town of Burrillville; F.) Request for Support Re: Acts Relating to Use of Cell Phones by Minors While

**Operating Motor Vehicles from the Town of Burrillville; and G.)
Request for Support Re: Legislation Relating to School Housing
Project Costs from the Town of Burrillville.**

**MOTION by Mr. Keeley, seconded by Mr. Zwolenski, and voted
unanimously on an aye vote to adjourn at 10:25 P.M.**

Respectfully submitted,

Debra A. Todd, Town Clerk